GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

Public Servants – Allegation of corruption against Sri Peddaballi Subbaiah Sekhar, former Tahsildar, Thamballapalli Mandal, Chittoor District (Retd) - Trapped on 01.10.2015 – Sanction accorded to prosecute the Accused Officer in a Court of Law – Charge sheet filed - Accused Officer acquitted on 01.05.2019 in CC No. 13/2017 by the trail Court– Appeal filed in Hon'ble High Court of A.P. – Accused Officer filed W.P.No.3016/2020 in High Court of A.P and Orders passed – Releasing of Pensionary benefits and regularization of suspension period as 'not on duty' – Orders – Issued.

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REVENUE (VIGILANCE –III) DEPARTMENT

G.O.RT.No. 213 **Dated: 15-04-2021**

Read the following:-

1. Final report of the D.G., ACB, Lr.Rc.No.137/RCT-TCT/2015 S-7, dt:29.07.2016
2. G.O.Ms.No.507, Revenue (Vigilance.III.2) Department, Dt:22.12.2016.
3. Judgment dated:01.05.2019 of the Special Judge for SPE & ACB Cases, Nellore.
4. From the D.G, ACB, Vijayawada, Lr.No.137/RCT-TCT/2015, dt:11.06.2019.
5. Govt.Memo.20423/Vig.III.2/2015, Rev (Vig.III) Dept, Dated 02/08/2019.
6. Orders Dt.24.02.2020 of the Hon'ble High Court in W.P.No.3016 of 2020 filed by Sri P.S.Sekhar, Tahsildar (Retd).
7. Representation dt:07.03.2020 of Sri P.S Sekhar, Tahsildar (Retd), Chittoor District.

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ORDER:

Whereas, it was brought to the notice of the Government that Sri P.S.Sekhar, the then Tahsildar, Tamballapalle (M) (A.O-1) and Sri G.Venu Gopal, the then Addl. RI O/o the Tahsildar, Tamballapalle Mandal, Chittoor District (A.O-2) were trapped by the Anti Corruption Bureau officials on 01.10.2015 while accepting bribe of Rs.15,000/- from the complainant for doing official favour. In the reference 1st read above, the Director General, Anti Corruption Bureau has submitted the final report and recommended for prosecution of both the AOs and also stated that no sanction order is required for AO.2 as per Sec.12 of PC Act. After careful examination of the final report of the bureau, Government have issued prosecution against AO.1 Sri P.S.Sekhar, the then Tahsildar vide the reference 2nd read above.

2. And whereas, in the reference 4th read above, the Director General, Anti Corruption Bureau, has informed that the Special Judge for SPE and ACB Cases, Nellore pronounced Judgment on 01-05-2019 in C.C.No.13/2017 finding the A.O-1 Sri P.S.Sekhar, Tahsildar, Tamballapalle Mandal and AO-2 Sri G.Venu Gopal, Addl. R.I., O/o Tahsildar, Tamballapalle Mandal, Chittoor District not guilty of the charge framed and hence acquitted. The Bureau is of the opinion that it is a fit case to file an appeal in the Hon'ble High Court A.P. against the acquittal judgment in C.C.No.13/2017 on the file of the Spl. Judge for SPE and A.C.B. Cases, Nellore and requested the Government to accord permission to file appeal in the High Court.

3. Government after careful examination of the matter, accorded permission to the D.G., ACB to file an Appeal in the Hon'ble High Court of A.P., Hyderabad against the acquittal judgment in C.C.No.13/2017 of the Spl. Judge for SPE and A.C.B. Cases, Nellore and requested to intimate the date of filing of Appeal before the Hon'ble High Court at an early date and intimate the stage of the case from time to time, vide the reference 5th read above. Accordingly, the Bureau has filed the CRL.A.SR.No.10566/2019 dated:19.12.2019 before the Hon'ble High Court and the same is pending before the Hon'ble High Court.

4. While the matter stood thus, Sri P.S.Sekhar, Tahsildar (Retd) has filed W.P. No.3016 of 2020 before the High Court with a request to regularize his

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suspension period from 01.10.2015 to 16.04.2017 and release the pension and other retirement benefits as he was acquitted in C.C.No.13/2017 of the Court of Special Judge for SPE & ACB Cases, Nellore. The above Writ Petition was allowed by the Hon'ble High Court and passed orders on 24.02.2020 as follows:

> "…….the Writ Petition is allowed directing the respondents to regularize the suspension period, in addition, release all the retirement benefits, which are due and payable to him within a period of four weeks from the date of receipt of a copy of this order. There shall be no order as to costs. ----------."

5. In the reference 7th read above, Sri P.S.Sekhar, Tahsildar (Retd) while enclosing a copy of the above judgment of the Hon'ble High Court in W.P.No.No.3016/2016, has requested the Government to regularize his suspension period and release the pension and other retirement benefits as was done in similar cases earlier.

6. After careful examination of the entire mater keeping in view the appeal filed before the Hon'ble High Court of Andhra Pradesh against the acquittal orders of the Special Judge for SPE & ACB Cases, Nellore and also orders of the Hon'ble High Court in W.P.3016/2020, Government have observed that Sri P.S.Sekhar, Tahsildar (Retd) is entitled to sanction of pensionary benefits even though the Criminal Appeal is pending before the High court subject to outcome of the said Crl. Appeal pending. It is also opined that since the Accused Officer Sri P.S.Sekhar, Tahsidar (Retd) involved in a prima facie case of bribery it can't be said that the suspension was unjustified and therefore the suspension period of the individual has to be treated as "not on duty" under F.R.54 B (5) & (7), even though he was acquitted by the trial court.

7. Accordingly, Government hereby order to release all the retirement benefits which are due and payable to Sri Peddaballi Subbaiah Sekhar, former Tahsildar, Thamballapalli Mandal, Chittoor District (Retd) and also the suspension period of the individual i.e., from 01.10.2015 to 16.04.2017 arisen due to the present trap case, is treated as a period spent 'not on duty' in terms of the Rule-54 B (5) & (7) of Fundamental Rules, subject to outcome of the criminal appeal pending before the Hon'ble High Court.

8. The Chief Commissioner of Land Administration, A.P., Vijayawada shall take necessary action accordingly.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

V. USHARANI,
PRINCIPAL SECRETARY TO GOVERNMENT

To
The Chief Commissioner of Land Administration, A.P., Vijayawada.
Sri Peddaballi Subbaiah Sekhar, former Tahsildar, Thamballapalli Mandal, Chittoor District (Retd) through the Chief Commissioner of Land Administration, A.P., Vijayawada

Copy to:
The Collector & District Magistrate, Chittoor.
The Director General, Anti Corruption Bureau, A.P., Vijayawada.
The Secretary to Commissioner, A.P.Vigilance Commission, Velagapudi, Amaravati.
The Principal Accountant General, A.P., Hyderabad.
Sf/Sc.

//FORWARDED::BY ORDER//

SECTION OFFICER